

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

RALPH KENDALL, ANDRE  
NICKELSON, and REGINALD  
BROWN,

Plaintiffs,

v.

JOHN HANRAHAN and  
CHRISTOPHER SCHMALING,

Defendants.

Case No. 18-CV-1986-JPS

**ORDER**

Plaintiffs Ralph Kendall (“Kendall”), Andre Nickelson (“Nickelson”), and Reginald Brown (“Brown”) (collectively, “Plaintiffs”) filed a pro se complaint alleging that unconstitutional conditions of confinement in the Racine County Jail resulted in violations of their civil rights. (Docket #1). Kendall also submitted a timely motion to proceed *in forma pauperis*, as well as a partial trust account statement. (Docket #6 and #7). On January 18, 2019, the Court ordered Brown and Nickelson to “each file a motion to proceed *in forma pauperis* and a trust account statement for the last six months, or however long they have been incarcerated if for less than six months...**within 14 days of this order** or they w[ould] be dismissed from the action without prejudice.” (Docket #11 at 2) (emphasis in original). Nickelson never submitted a motion to proceed *in forma pauperis*, so he must be dismissed from the action without prejudice for failing to comply with the Court’s order. Brown submitted a trust account statement six days late, and never submitted a signed motion to proceed *in forma pauperis*, therefore

he must also be dismissed from the action without prejudice for failing to comply with the Court's order.

Kendall, the only plaintiff from whom the Court has both a trust account statement and a signed motion to proceed *in forma pauperis*, is no longer in custody and has no forwarding address. Therefore, the Court has no way of contacting him about the status of the case. While Brown has twice written to the Court to inquire about the status of the case, Kendall has not had any further involvement or communication with the Court since mid-January. Therefore, the Court will dismiss this action as to Kendall, without prejudice, for his failure to prosecute. Civ. L. R. 41(c); *Fischer v. Cingular Wireless, LLC*, 446 F.3d 663, 665 (7th Cir. 2006).

Because these dismissals are without prejudice, any plaintiff will be able to re-file a complaint on these same issues. If they choose to do so, each plaintiff who signs the complaint must submit a motion to proceed in forma pauperis *and* a prison trust account statement.

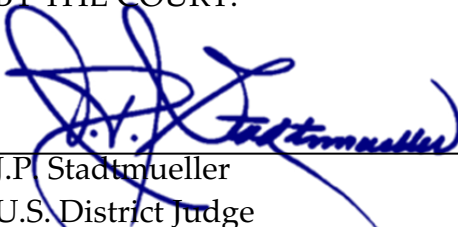
Accordingly,

**IT IS ORDERED** that this case be and the same is hereby **DISMISSED without prejudice**.

The Clerk of the Court is directed to enter judgment accordingly.

Dated at Milwaukee, Wisconsin, this 28th day of June, 2019.

BY THE COURT:



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J.P. Stadtmueller  
U.S. District Judge